

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

FERNANDO NAVARRO HERNANDEZ,

Petitioner,

v.

WILLIAM GITTERE, *et al.*,

Respondents.

Case No. 3:09-cv-00545-LRH-CSD

ORDER GRANTING
MOTION FOR EXTENSION OF TIME
(ECF NO. 329)

In this capital habeas corpus action, the Court ordered the parties to file supplemental briefing—an amended answer by Respondents, an amended reply by Petitioner Fernando Navarro Hernandez, and a response to the amended reply by Respondents—in the wake of the Supreme Court’s decision in *Shinn v. Ramirez*, 142 S. Ct. 1718 (2022). See Order entered June 28, 2022 (ECF No. 307). Respondents filed their amended answer on March 17, 2023 (ECF No. 317). Hernandez filed his amended reply on August 14, 2023 (ECF No. 322). On August 14, 2023, Hernandez also filed a motion for leave to conduct discovery (ECF No. 324), and a motion for evidentiary hearing (ECF No. 325). After a 30-day initial period, and a 44-day extension of time, Respondents were due to respond to Hernandez’s amended reply, motion for leave to conduct discovery, and motion for evidentiary hearing by October 27, 2023. See Order entered February 20, 2015 (ECF No 94) (30 days for response to reply; responses to motions to be filed with response to reply); Order entered September 14, 2023 (ECF No. 327) (44-day extension).

On October 26, 2023, Respondents filed a motion for extension of time (ECF No. 329), requesting a further extension of time, to January 9, 2024—a 74-day extension—for their responses to Hernandez’s amended reply, motion for leave to conduct discovery, and motion for evidentiary hearing. Respondents’ counsel states that this extension of

1 time is necessary because of her obligations in other cases and her administrative
2 responsibilities at the Office of the Nevada Attorney General. Respondents' counsel
3 states that Hernandez, who is represented by appointed counsel, does not oppose the
4 motion for extension of time.

5 The Court finds that Respondents' motion for extension of time is made in good
6 faith and not solely for the purpose of delay, and that there is good cause for the requested
7 extension.

8 **IT IS THEREFORE ORDERED** that Respondents' Motion for Extension of Time
9 (ECF No. 329) is **GRANTED**. Respondents will have until and including **January 9, 2024**,
10 to file their responses to Petitioner's amended reply, motion for leave to conduct
11 discovery, and motion for evidentiary hearing.

12 **IT IS FURTHER ORDERED** that, in all other respects, the schedule for further
13 proceedings set forth in the order entered February 20, 2015 (ECF No. 94) will remain in
14 effect.

15 DATED THIS 30th day of October, 2023.

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19 LARRY R. HICKS
20 UNITED STATES DISTRICT JUDGE
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